

PETITIONER:
DHIRENDER SINGH ETC.

Vs.

RESPONDENT:
STATE OF HARYANA & ORS.

DATE OF JUDGMENT: 09/12/1996

BENCH:
K. RAMASWAMY, G.T. NANAVALI

ACT:

HEADNOTE:

JUDGMENT:

with
Civil Appeal No. 16847..../96
(Arising out of SLP (c) No.19421/96)
O R D E R

Leave granted.

In the counter affidavit filed by the respondents it is stated that the Superintendent of Police had promoted the appellant in the sports quota in view of the outstanding performance in sports, namely, wrestling, on January 16, 1990 on ad hoc basis against an upgraded vacancy. It is also stated that it was clearly mentioned in the order of appointment that the appellant could be reverted at any time without any notice and that he would have no right to seniority in the post. Learned counsel for the appellant has relied upon the judgment of this Court in Rishal Singh v. State of Haryana & Ors. [JT 1994 (2) SCC 157]. Therein promotion was given by the D.I.G. to the appellant due to his outstanding merit in sports relying upon Rule 13.8 (2) of Punjab Police Rule, 4734. This Court had held that since the D.I.G. was competent authority to make appointment by promotion and having considered the appellant therein as an outstanding sportsperson had promoted him; it was done in terms of Rule 13.8 (2) of the Rules giving power to grant any temporary promotion; the promotion, therefore, though termed to be a temporary promotion, was in effect a regular promotion. Under those circumstances, it was held that his reversion as Constable was bad in law. Admittedly, in this case, the Superintendent of Police has promoted him and no approval of DIG was obtained. Under those circumstances, the ratio therein has no application to the facts. We do not find any ground warranting interference with the order passed by the High Court.

The appeal is accordingly dismissed. No cost. If the appellant is otherwise eligible, this order of dismissal does not stand in his way for consideration of his case according to rules.

C.A. 16847/96 .@ SLP (C) 19421/96:

Leave granted. Following the above order this appeal is also dismissed. No costs.

JUDIS